

REMARKS

In the Final Action, claims 1, 3-6, 23, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by McGrann (U.S. Patent No. 2,742,946). With this Amendment, the limitations of dependent claim 21 have been incorporated into claim 1, with claim 21 being cancelled. McGrann does not teach or suggest two reinforcing inserts coupled respectively to a top end portion and a bottom end portion of the hollow tube, with an intermediate portion of the tube lacking the inserts. For this reason alone, it is respectfully submitted that amended claim 1 is novel notwithstanding McGrann.

In the Action, it was stated that it would have been obvious to employ multiple sections of reinforcing inserts simply based on cost, manufacturing, and design considerations. Applicants submit that this purported basis lacks sufficient support, is conclusory in nature, and therefore cannot be relied upon as a motivation to modify the references. In particular, it was not explained how the proposed modification would benefit matters related to cost, manufacturing, and design. In this way, it is respectfully submitted that impermissible hindsight, which was gleaned from only Applicants' disclosure, was relied on to reconstruct the claimed invention.

Also, in the Action, claims 1-6, 23, 24, 26-30, 32 and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Harmala (U.S. No. 5,320,386). The Examiner stated that it would have been obvious to one skilled in the art to modify Harmala and provide the claimed non-circular cross-sectional shape, based on cost, manufacturing, and design considerations. However, under Section 2143.03 of the Manual of Patent Examining Procedure, *prima facie* obviousness requires that the prior art reference (or references when combined) teaches or suggests all the claim limitations. In this case, Harmala does not disclose the non-circular cross-sectional shape and thus cannot be relied upon for a rejection based on *prima facie* obviousness. In addition, Applicants respectfully submit that the proposed motivation to modify Harmala was not sufficiently supported but rather was asserted in a conclusory manner. In particular, it was not explained how modifying Harmala to provide a non-circular cross-sectional

U.S.S.N.: 10/605,643

6

WLI 1096 PUS

shape can decrease costs, improve manufacturing, and otherwise benefit design considerations.

Regarding claim 26, none of the cited art, whether taken individually or in any permissible combination, teach or suggest the reinforcing insert having a generally polygon cross-sectional shape that is formed from a foam material. For this additional reason, claim 26 is nonobvious and allowable.

Claims 1-6, 23, 24, 26, 28-30, 32, and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable obvious over Brine (U.S. Patent No. 6,752,730) in view of E-Lacrosse. The Examiner proposed combining the foam-filled cavity in E-Lacrosse with the lacrosse handle in Brine. However, the claimed reinforcing insert is a layer that is attached to the inner surface of the handle and defines an inner cavity. In this respect, the proposed combination is substantially different than the claimed lacrosse handle and therefore does not teach or suggest the same. It will be appreciated that providing a solid core reinforcing insert or otherwise filling the entire handle with the reinforcing insert can substantially increase the weight of the handle. For these reasons alone, claims 1-6, 23, 24, 26, 28-30, 32, and 33 are nonobvious and allowable.

Claims 1-6, 23, 24, 26, 28-30, 32, and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable obvious over Brine in view of Hoult (U.S. Patent No. 3,702,702) and McNeely (U.S. Patent No. 5,511,777). As stated above with regard to claim 1, none of the cited, whether taken individually or in any permissible combination, discloses the claimed handle having a top end portion and a bottom end portion, each with a reinforcing insert. Regarding claim 26, none of the cited references teach or suggest the reinforcing insert having a polygon cross-sectional shape formed from a foam material. Further, the proposed motivation to modify the cited art substantially lacks support and cannot establish *prima facie* obviousness.

U.S.S.N.: 10/605,643

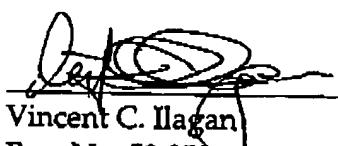
7

WLI 1096 PUS

Conclusion:

In view of the foregoing, all of the claims remaining in the case, namely claims 1, 3, 7, 23, 24, 26, 28-30, and 32-34, are in proper form and patentably distinguish from the cited references. Accordingly, allowance of the claims and passage of the application to issuance is respectfully solicited.

Respectfully submitted,
ARTZ & ARTZ, P.C.



Vincent C. Ilagan
Reg. No. 53,053
28333 Telegraph Road, Ste. 250
Southfield, MI 48034

Attorney for Applicants

Date: May 30, 2006